

MEMORANDUM FOR: Office of the General Counsel

SUBJECT : Payment of Overseas Post Differential to Joseph
[REDACTED] on TDY 25X1A9a

1. Finance Division informally requested a ruling from the Personnel Office regarding the payment of post differential to the subject individual who was sent under TDY orders from Washington, D.C. to [REDACTED] for a contemplated period of more than sixty-days within the country, but less than sixty-days in any one city. He actually remained on TDY in [REDACTED] approximately fifty-two days, and was on temporary duty in three different cities, visiting one of them twice.

2. We contacted the Differential Branch of the Department of State, and were advised by them that they did not know whether the differential should be paid under these circumstances. It was their position that under a technical interpretation of the regulations, the subject individual would not be entitled to a differential during his temporary duty assignment, because the "time test" used to determine eligibility was intended to relate to time spent at one post and, therefore, subject individual should be treated as in a round-trip travel status and not eligible for a differential. However, they recognize that logically a man who is sent on temporary duty for a contemplated period of more than sixty-days to a country that carries a country-wide differential rate (all unlisted posts or areas in [REDACTED] carry 25% differential) should not be denied the differential merely because he fails to meet the sixty-day rule at any one post. It was their final recommendation to us that we get a General Accounting Office ruling on the matter.

3. It is, therefore, requested that your office either make a determination as to the subject's eligibility or secure an informal GAO ruling on the matter. It is our position that the man should receive the differential since his contemplated TDY assignment was for sixty-days in a country which carried a country-wide differential. We would consider him on TDY to the country as a whole for differential purposes and he would therefore draw the applicable 25% rate. This was also the Department of State's opinion but they did not want to give a definite answer on the matter.

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[REDACTED]
Deputy Assistant Director for Personnel